

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK OF U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
vs.
Michael Pat GARNER

Magistrate's Case No.

07 MJ 2760

COMPLAINT FOR VIOLATION OF
21 U.S.C. 952 and 960

DEPUTY

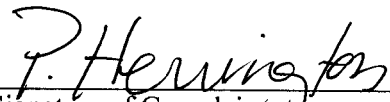
Unlawful Importation of a Controlled Substance

The undersigned complainant being duly sworn states:

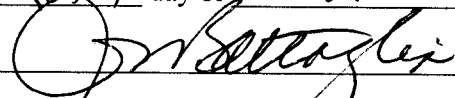
COUNT ONE

That on or about November 27, 2007, within the Southern District of California, defendant Michael Pat GARNER did knowingly and intentionally import approximately 17.32 kilograms (38.10 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Signature of Complainant
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 28th day of Nov., 2007.


United States Magistrate Judge

1 United States of America
2 VS.
3 Michael Pat GARNER

4 PROBABLE CAUSE STATEMENT

5 On November 27, 2007 at approximately 2135 hours, Michael Pat GARNER entered the
6 United States from Mexico at the Otay Mesa Port of Entry (OTMPOE), San Diego, California in
7 a Chevrolet Trailblazer bearing Arizona license plate 190RDR. A Customs and Border
8 Protection Officer (CBPO) came in contact with GARNER on lane 7. GARNER presented a
9 California driver's license and stated he was on his way to El Cajon, CA. The CBPO entered
10 GARNER's name into the computer and a computer generated alert for GARNER appeared.
11 GARNER stated he was in Tijuana, Mexico for the sports book. GARNER stated the vehicle
12 was a rental car. The CBPO obtained two negative customs declarations from GARNER. The
13 CBPO proceeded to escort GARNER and the vehicle into the vehicle secondary inspection area.
14 GARNER stated he was a U.S. Citizen by birth. When GARNER was asked why he was driving
15 a rental car, GARNER stated his vehicle had been hit. GARNER was turned over to the CBPO's
16 in the vehicle secondary lot for further inspection.
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19 A Canine Enforcement Officer (CEO) screened the Chevrolet GARNER was driving
20 with his Narcotic/Human Detector Dog (NHDD). The NHDD alerted to a narcotic odor emitting
21 from the spare tire of the Chevrolet.
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23 A Customs and Border Protection Officer (CBPO) conducted an intensive inspection on
24 the Chevrolet. A total of 7 packages containing approximately 17.32 kilograms (38.10 pounds)
25 of marijuana were found concealed within the spare tire of the vehicle. A presumptive test of
26 one of the packages revealed a positive reaction to the presence of marijuana.
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1 GARNER was arrested and charged with violation of Title 21 USC 952, 960, Unlawful
2 Importation of a Controlled Substance, and was booked into the Metropolitan Correction Center,
3 San Diego, CA.
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